

REMARKS

In response to the Office Action transmitted May 5, 2008, Applicant respectfully requests that the present application be reconsidered in light of the above amendments and the following remarks.

Amendments to Specification Correct Typographical Errors

Three paragraphs of the specification have been amended to correct minor typographical errors. No new matter has been added.

Claim Amendment Corrects Typographical Error

Claim 49 has been amended to correct a minor typographical error. Specifically, “lest” was corrected to read --least--. No new matter has been added, and no change has been made to the claim scope.

Claim 51 is Supported by Original Disclosure

The Examiner rejected Claim 51 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner contended that the originally filed specification did not provide support for a control mechanism having a magnet in addition to a movable weight. Applicant respectfully traverses the rejection.

On page 3, lines 13-14 of Applicant’s specification, while describing one embodiment, Applicant states, “The control mechanism preferably comprises a movable weight controlled by a magnet or radio frequency transmitter and receiver/actuator.” (emphasis added). Since this embodiment specifically contemplates a control mechanism having both a movable weight AND a magnet, Applicant contends that this provides support for Claim 51. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of this claim.

Terminal Disclaimer Resolves Double Patenting Rejection

The Examiner provisionally rejected Claims 1-15, 41-49, 51 and 52 on the ground of nonstatutory obviousness-type double patenting as unpatentable over Claims 4-16 of U.S. Application No. 11/633,381 taken alone or in combination with other references. The ‘381

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application claims priority as a continuation of the present application. The attached Terminal Disclaimer addresses and overcomes this rejection. As such, Applicant respectfully requests that the Examiner withdraw the double patenting rejection.

New Claims

New Claims 53-63 have been added to recite additional subject matter Applicant considers to be part of the invention. Claim 53 is an independent claim, from which Claims 54-63 depend. Applicant contends that the new claims are currently in condition for allowance.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant requests early issuance of a Notice of Allowance.

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Applicant has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

10/2/08

By: _____



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